



General Assembly

January Session, 2007

***Raised Bill No. 7379***

LCO No. 5504

\*05504\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***AN ACT CONCERNING THE CONTEMPT POWERS OF A FAMILY  
SUPPORT MAGISTRATE AND THE ASSIGNMENT AND SERVICE OF  
CAPIAS MITTIMUS ISSUED IN A FAMILY SUPPORT MATTER.***

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1 Section 1. Subdivision (7) of subsection (m) of section 46b-231 of the  
2 general statutes is repealed and the following is substituted in lieu  
3 thereof (*Effective from passage*):

4 (7) Family support magistrates shall enforce orders for child and  
5 spousal support entered by such family support magistrate and by the  
6 Superior Court in IV-D support cases by citing an obligor for  
7 contempt. Family support magistrates, in IV-D support cases, may  
8 order any obligor who is subject to a plan for reimbursement of past-  
9 due support and is not incapacitated, to participate in work activities  
10 which may include, but shall not be limited to, job search, training,  
11 work experience and participation in the job training and retraining  
12 program established by the Labor Commissioner pursuant to section  
13 31-3t. Family support magistrates shall also enforce income  
14 withholding orders entered pursuant to section 52-362, including any  
15 additional amounts to be applied toward liquidation of any arrearage,

16 as required under subsection (e) of said section. Family support  
17 magistrates may require the obligor to furnish recognizance to the  
18 state of Connecticut in the form of a cash deposit or bond of such  
19 character and in such amount as the Family Support Magistrate  
20 Division deems proper to assure appearance at the next regular session  
21 of the Family Support Magistrate Division in the judicial district in  
22 which the matter is pending. Upon failure of the obligor to post such  
23 bond, the family support magistrate may refer the obligor to a  
24 community correctional center until [he] the obligor has complied with  
25 such order, provided the obligor shall be heard at the next regular  
26 session of the Family Support Magistrate Division in the court to  
27 which [he] the obligor was summoned. If no regular session is held  
28 within seven days of such referral, the family support magistrate shall  
29 either cause a special session of the Family Support Magistrate  
30 Division to be convened, or the obligor shall be heard by a Superior  
31 Court judge in the judicial district in which the matter is pending. If  
32 the obligor fails to appear before the family support magistrate at the  
33 time and place [he] the obligor is ordered to appear, the family support  
34 magistrate may order the bond, if any, forfeited, and the proceeds  
35 thereof distributed as required by Title IV-D of the Social Security Act,  
36 and the family support magistrate may issue a capias mittimus for the  
37 arrest of the obligor, ordering [him] the obligor to appear before the  
38 family support magistrate. A family support magistrate may  
39 determine whether or not an obligor is in contempt of the order of the  
40 Superior Court or of a family support magistrate and may make such  
41 orders as are provided by law to enforce a support obligation, except  
42 that if the family support magistrate determines that incarceration of  
43 an obligor for failure to obey a support order may be indicated, the  
44 family support magistrate shall inform the obligor of [his] the obligor's  
45 right to be represented by an attorney and [his] the obligor's right to a  
46 court-appointed attorney to represent [him] the obligor if [he] the  
47 obligor is indigent. If the obligor claims [he is indigent] indigency and  
48 desires representation by an attorney, [to represent him,] the family  
49 support magistrate shall conduct a hearing to determine if the obligor

50 is indigent. If, after such hearing, the family support magistrate finds  
51 that the obligor is indigent, the family support magistrate shall appoint  
52 an attorney to represent the obligor. In addition to any other sanction  
53 for contempt authorized by statute or rule of court, if a family support  
54 magistrate cites an obligor for contempt and refers the obligor to a  
55 community correctional center for failure to obey a support order, the  
56 family support magistrate may condition the obligor's release from  
57 such community correctional center on the continuing payment of  
58 weekly support under the support order and may refer the obligor to a  
59 community correctional center pursuant to the original contempt  
60 citation if the obligor fails to make any such weekly support payment  
61 when due.

62 Sec. 2. Section 6-38b of the general statutes is repealed and the  
63 following is substituted in lieu thereof (*Effective October 1, 2007*):

64 (a) There is established a State Marshal Commission which shall  
65 consist of eight members appointed as follows: (1) The Chief Justice  
66 shall appoint one member who shall be a judge of the Superior Court;  
67 (2) the speaker of the House of Representatives, the president pro  
68 tempore of the Senate, the majority and minority leaders of the House  
69 of Representatives and the majority and minority leaders of the Senate  
70 shall each appoint one member; and (3) the Governor shall appoint one  
71 member who shall serve as chairperson. No member of the  
72 commission shall be a state marshal, except that two state marshals  
73 appointed by the State Marshals Advisory Board in accordance with  
74 section 6-38c shall serve as ex officio, nonvoting members of the  
75 commission.

76 (b) The chairperson shall serve for a three-year term and all  
77 appointments of members to replace those whose terms expire shall be  
78 for terms of three years.

79 (c) No more than four of the members, other than the chairperson,  
80 may be members of the same political party. Of the seven nonjudicial  
81 members, other than the chairperson, at least three shall not be

82 members of the bar of any state.

83 (d) If any vacancy occurs on the commission, the appointing  
84 authority having the power to make the initial appointment under the  
85 provisions of this section shall appoint a person for the unexpired term  
86 in accordance with the provisions of this section.

87 (e) Members shall serve without compensation but shall be  
88 reimbursed for actual expenses incurred while engaged in the duties of  
89 the commission.

90 (f) The commission, in consultation with the State Marshals  
91 Advisory Board, shall adopt regulations, in accordance with the  
92 provisions of chapter 54, to establish professional standards, including  
93 training requirements, and minimum fees for execution and service of  
94 process.

95 (g) The commission shall be responsible for the equitable  
96 assignment [of service of restraining orders] to the state marshals in  
97 each county, and [ensure that such restraining orders are served  
98 expeditiously] for ensuring the expeditious service by such state  
99 marshals, of any (1) restraining order, or (2) capias mittimus issued by  
100 a court or family support magistrate in a family support matter.  
101 Failure of any state marshal to accept for service any restraining order  
102 or capias mittimus assigned by the commission or to serve such  
103 restraining order or capias mittimus expeditiously without good cause  
104 shall be sufficient for the convening of a hearing for removal under  
105 subsection (j) of this section.

106 (h) Any vacancy in the position of state marshal in any county as  
107 provided in section 6-38 shall be filled by the commission with an  
108 applicant who shall be an elector in the county where such vacancy  
109 occurs. Any applicant for such vacancy shall be subject to the  
110 application and investigation requirements of the commission.

111 (i) Except as provided in section 6-38f, no person may be a state

112 marshal and a state employee at the same time. This subsection does  
113 not apply to any person who was both a state employee and a deputy  
114 sheriff or special deputy sheriff on April 27, 2000.

115 (j) No state marshal may be removed except by order of the  
116 commission for cause after due notice and hearing.

117 (k) The commission may adopt such rules as it deems necessary for  
118 conduct of its internal affairs and shall adopt regulations, in  
119 accordance with the provisions of chapter 54, for the application and  
120 investigation requirements for filling vacancies in the position of state  
121 marshal.

122 (l) The commission shall be within the Department of  
123 Administrative Services for administrative purposes only.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	46b-231(m)(7)
Sec. 2	<i>October 1, 2007</i>	6-38b

***Statement of Purpose:***

To allow a family support magistrate to continue to hold an obligor in contempt for failure to pay the obligor's weekly support obligation and to require the State Marshal Commission to be responsible for the equitable assignment and expeditious service of any capias mittimus issued in a family support matter.

***[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]***